

Headquarters  
Department of the Army  
Washington, DC  
1 October 2000

Civilian Personnel

Headquarters, Department of the Army Civilian Drug Testing

**Applicability.** This memorandum applies to all Headquarters, Department of the Army (HQDA) organizations and its field operating agencies (FOA).

**Proponent and exception authority.** The proponent of this memorandum is the Administrative Assistant to the Secretary of the Army (AA). The AA has the authority to approve exceptions to this memorandum that are consistent with controlling law and regulation. The AA may delegate this authority in writing to a director within the proponent organization in the grade of colonel, GS15, or higher.

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1. Purpose

This memorandum prescribes drug testing policies and procedures for Headquarters, Department of the Army and its field operating agencies. It also details specific instructions and procedures in addition to those described in AR 600-85. The Army civilian drug abuse testing program mandates the random testing of Department of the Army civilian employees in testing designated positions (TDPs) and others in accordance with AR 600-85, paragraph 5-14e. Random drug testing applies to employees in TDPs without individualized suspicion that the employee is using illegal drugs.

2. References

- a. AR 600-85, Alcohol and Drug Abuse Prevention and Control Program, 3 November 1986 with Change 3 dated 26 March 1999.
- b. Executive Order 12564, Drug-Free Federal Workplace (DFW), September 15, 1986.
- c. DOD Directive 1010.9, DOD Civilian Employee Drug Abuse Testing Program, dated 23 August 1988, with Change 1 dated 20 January 1992.
- d. Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs, 1 September 1994.

3. Responsibilities

- a. The AA, in coordination with the Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA(M&RA)) and the Deputy Chief of Staff for Personnel (DCSPER), will --
  - (1) Establish procedures and provide instructions for ensuring that the Army DFW Program is fully implemented at HQDA in accordance with AR 600-85.

(2) Designate a Drug Testing Program Manager (DTPM) from within the Office of the AA.

b. Principal Officials of HQDA Organizations and the heads of their staff support agencies (SSAs) and field operating agencies (FOAs) will designate an Organization Drug Test Coordinator (ODTC) from their respective organization and ensure the Army DFW program is efficiently and effectively implemented in their agencies in accordance with this memorandum and all other applicable guidance.

c. The HQDA DTPM will --

(1) Provide operational and technical guidance and oversight to HQDA organizations, SSAs, and FOAs.

(2) Manage and exercise program leadership.

(3) Serve as the budget program manager.

(4) Maintain liaison with the Army Center of Substance Abuse Programs (ACSAP).

(5) Collect required data and information for ACSAP.

(6) Establish and maintain (with the assistance of management) an updated roster of DFW/TDPs and incumbents in those positions.

(7) Be responsible for managing the random selection/scheduling, or rescheduling of the dates, times, and sites of the collection events, with the contractor.

(8) Notify the individual's immediate supervisor of the time and place where the individual is to provide the required urine sample.

(9) Serve as the principal contact with the contract collection personnel in ensuring the effective operation of the collection process.

(10) Receive all test results from the Medical Review Officer (MRO), and maintain the privacy of these results and other applicable records according to the provisions of the Privacy Act of 1974 (as amended) (5 USC 552a).

(11) Notify the individual's immediate supervisor, servicing Civilian Personnel Advisory Center (CPAC), and servicing Employee Assistance Program (EAP) Office, upon receipt of a verified positive test result.

(12) Ensure that current civilian employees in TDPs that are subject to random testing, receive individual notice at least 30 days prior to implementation of the program.

(13) Request servicing CPAC/Civilian Personnel Operations Centers (CPOC) take appropriate action to ensure that job descriptions and vacancy announcements for TDPs contain statements that random testing is a condition of employment.

(14) Ensure that all supervisors are informed of their responsibilities and are trained to the extent possible to assist in identifying and addressing illegal drug use by their employees.

d. The ODTC will --

(1) Provide the DTPM with appropriate information when requested.

(2) Act as the organization POC for employee complaints dealing with the collection process.

(3) Provide the DTPM, on a monthly basis, a list of new employees who meet TDP criteria, required information on those employees, list of employees in TDPs that have left or no longer meet one of the TDP criteria, and any immediate supervisory changes to individuals in TDPs.

e. Supervisors will --

(1) Be trained, to the extent possible, to recognize and address illegal drug use by employees and be provided information regarding referral of employees to the EAP, procedures and requirements for drug testing, and behavioral patterns that give rise to a reasonable suspicion that an employee may be using illegal drugs.

(2) Immediately notify the employee and provide the employee with instructions on where and when to report when informed by the DTPM that one of his/her employees had been randomly selected to provide a urine sample.

(3) Promptly notify the DTPM and appropriate organization management officials if an employee refuses to be tested. Initiate appropriate corrective action that may include formal discipline up to and including removal from Federal service.

(4) Immediately notify the employee, appropriate organization management officials, the servicing CPAC Labor Management Employee Relations (LMER) personnel, and servicing EAP personnel upon notification

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from the DTPM of a positive result. Remove the employee from assigned TDP duties. Initiate appropriate corrective action that may include formal discipline up to and including removal from Federal service.

(5) Coordinate with the servicing CPAC/CPOC to ensure that job descriptions and vacancy announcements for TDPs contain statements that random testing is a condition of employment.

*f. Servicing CPAC/CPOC will--*

(1) Ensure that job descriptions and vacancy announcements for TDPs contain statements that random testing is a condition of employment.

(2) Provide advice and support to the employee, immediate supervisor, and any other management officials, as appropriate.

*g. Servicing EAP Office will--*

(1) Assume the lead role in the development, implementation, and evaluation of the EAP for the employee.

(2) Submit annual statistical reports to AA on EAP activity.

(3) Provide initial counseling and treatment services to all employees referred to the EAP by their supervisors or on self-referral, and otherwise offer employees the opportunity for counseling and rehabilitation.

(4) Monitor employee completion of appropriate rehabilitation.

(5) Coordinate with the DTPM and supervisors, as appropriate.

## 4. Procedures

*a. Initial Notification.*

(1) Not less than 60 days before implementing the HQDA civilian drug abuse program, HQDA will notify all HQDA employees of the program, describe the implementation procedures, and inform employees that random testing of employees in TDPs for use of illegal drugs will be conducted.

(2) Not less than 30 days before implementing the HQDA civilian drug abuse testing program, HQDA will provide written notice to each civilian employee in a TDP. Each TDP employee will be asked to sign, date, and return to their supervisor a copy of DA Form 5019-R (Condition of Employment for Certain Civilian Positions Identified as Critical Under the Drug Abuse Testing Program). Employees who refuse to sign the mandatory Drug Testing Condition of Employment will be subject to disciplinary action up to and including removal from Federal service. The supervisor will keep a copy, give a copy to the employee, and forward the original back to the DTPM. The DTPM will maintain an up-to-date file of all DA Form 5019-R documents.

*b. Collections procedures, testing and MRO review.* Drug testing collections procedures employed by the Federal Contractor will fully comply with DOD and Army requirements, and Health and Human Services Mandatory Guidelines for Federal contractors. Random testing will include all HQDA civilian employees duty stationed inside as well as outside of the National Capital Region (NCR). All samples collected will be sent to the Army approved laboratory for testing. All lab results will be sent to the MRO for review.

*c. Frequency of testing and random selection process.*

(1) The DTPM will ensure that the frequency of random drug testing conforms to DOD guidance requiring 50 percent of the TDP population be tested during the course of a year.

(2) The DTPM will be responsible for managing the random selection of TDPs to be tested, the selection of which will be evenly distributed throughout the year.

(3) The DTPM will coordinate the dates/times and locations for the collections of the samples with the contractor collector.

*d. Test results.* The MRO will send all results to the DTPM.

(1) Upon receipt of a verified positive test that has been reviewed by the MRO, the DTPM will immediately advise the employee's supervisor, provide the name and telephone number of the servicing EAP Office, and advise the supervisor to contact the organization's Administrative Office for the name and phone number of the servicing CPAC LMER.

(2) The supervisor will then contact the servicing CPAC LMER and servicing EAP Office, counsel the

employee, remove him/her from the TDP in accordance with AR 600-85, paragraph 5-14d(3)(b), provide the employee with the name and phone number of the servicing CPAC LMER and EAP Office, and advise the employee to contact them for assistance.

*e.* Employee responsibilities upon notification of a positive test.

(1) Call the servicing CPAC LMER and EAP Office for assistance and schedule an interview with EAP.

(2) Consent to treatment and follow through with the EAP recommendations.

(3) Consent to treatment and follow through with the recommendations of the treatment staff.

(4) Advise EAP and supervisor of actions taken.

*f.* Return to TDP. The employee may return to his/her TDP provided the employee--

(1) Has fully cooperated with the EAP and treatment staff and consented to treatment.

(2) Enrolled in follow-up testing and has provided a negative (initial/follow-up test); or

(3) Successfully completed treatment; or prior to successful completion of rehabilitation through an EAP, the head of the organization or his/her designee determines that the employee is in treatment, is not a danger to themselves or others, and can return to his/her previous position.

*g.* Employee participation in treatment or rehabilitation programs through an EAP does not prevent the organization from initiating any disciplinary action based upon a finding of illegal drug use, up to and including removal from Federal service.

*h.* Initiation of removal from Federal service of an employee who used illegal drugs is required if the employee refuses to obtain counseling or rehabilitation through an EAP, or does not thereafter refrain from using illegal drugs.

## **5. Other administrative action**

*a.* An organization will remove any employee from a sensitive position who is found to use illegal drugs or any employee who voluntarily admits his or her illegal drug use prior to being identified as an illegal drug user.

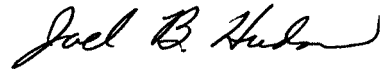
*b.* Disciplinary action is not required against an employee who voluntarily admits to illegal drug use to his/her supervisor or higher level management official, successfully completes counseling or an EAP, and thereafter refrains from illegal drug use. This "safe harbor" provision only applies when the organization otherwise would be unaware of the employee's illegal drug use.

SAAA-PP

By Order of the Secretary of the Army:

ERIC K. SHINSEKI  
*General, United States Army*  
*Chief of Staff*

Official:



JOEL B. HUDSON  
*Administrative Assistant to the*  
*Secretary of the Army*

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